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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------------|------------------------|
| 10/821,606 | 04/08/2004 | Sang H. Dhong | END920030125US1 (17131) | 1561 |
| 23389 7590 05/09/2008 SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530 | | | EXAMINER DO, CHAT C | |
| | | | ART UNIT 2193 | PAPER NUMBER |
| | | | MAIL DATE 05/09/2008 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|---|--------------------------------------|-------------------------------------|--|
| Advisory Action Before the Filing of an Appeal Brief | Application No. 10/821,606 | Applicant(s) DHONG ET AL. | |
| | Examiner CHAT C. DO | Art Unit 2193 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04/14/2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See below. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-20.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See below.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/Chat C. Do/
 Primary Examiner, Art Unit 2193

Part 3(a): The applicant amended the independent claims 1 and 13 by inserting the limitation "and supplying same to the multiplier" in line 11. This particular limitation would raise new issues that would require further consideration and search prior making final decision on the Office action.

Part 11: For drawing objections, the applicant alleged to cancel claims 4, 9 and 16 in order to overcome the drawing objection in pages 7-8.

The examiner respectfully submits that the applicant cancelled claims 2, 4, 9, and 14 in the response instead of claims 4, 9 and 16 as alleged. Further, the cancellation did not address how to overcome the drawing objection for claim 3 since the examiner does not see clearly from the current Figures which addresses the features of current claims 1 and 3 as single Figure.

For 101 rejection, the applicant argued in pages 9-10 claims 1 and 13 direct to a floating point unit and method which are not an abstract idea, law of nature or natural phenomenon. And further, the claims increase the performance speed of a floating execution unit by removing operand formatting/selection and unpacking from the timing critical path in floating point execution which increases performance of the floating point unit significantly.

The examiner respectfully submits that claims 1 and 13 both merely direct to an arrangement for performing a mathematical operation as multiplying-addition which comprises series of mental steps/components for performing the operations. The claims do not explicitly define particularly hardware components for performing the mathematical operation to increase the performance speed of a floating execution unit by removing operand formatting/selection and unpacking from the timing critical path in floating point execution which increases performance of the floating point unit significantly as alleged by the applicant.

The applicant argues in page 12 fourth paragraph for claims 1 and 13 that the cited reference fails to provide the support of an aligner couple to the multiplier and third of the operands as alleged by the applicant since the multiplier is coupled to the multiplexers 114 and 116 instead of the aligner as required by the claims.

The examiner respectfully submits that the current Figures 2 of the cited reference clearly and expressively disclose the above argued feature due to the following reasons: (1) the claim language does not require the multiplier couples directly to the aligner nor how the multiplier couples directly to the aligner. Thus, as long as the multiplier couples to the aligner by either directly or indirectly, it would meet the claim invention; (2) the examiner considers the first aligner in Figure 2A and second aligner in Figure 2B as the aligner which couples directly to the multiplier by the second aligner (e.g. Figure 2B) and the third operand by the first aligner (e.g. Figure 2A).

The applicant argues in page 12 last paragraph for claims 1 and 13 that the cited reference fails to provide support for the first data path for supplying to the multiplier operands from a first and second of the operand positions to the instruction.

The examiner respectfully submits that the support of this limitation is clearly seen in Figure 2B wherein the first data path is the path with labeled 105 and 107 as for providing operands A and C to the multiplier 102 and further this path does not have any multiplexer in between as newly amended by the applicant.

The applicant argued in page 13 first paragraph for claims 1 and 13 that the cited reference fails to provide the second data path for supplying to the third operand to the aligner since this path is the same path as the first path, so cannot be equivalent to applicant's claimed second path.

The examiner respectfully submits that the applicant mis-understood the first path wherein the examiner explicitly points out the first path as the paths providing the operands A and C in Figure 2B and the second path is the path providing B operand in Figure 2A which is completely isolates from the first path. In addition, the claims do not explicitly define the structure of the first path and the second path but rather the first path and second path are defined just as paths for providing the input first, second, and third operands which clearly seen in Figures 2.